



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Planning Administrator,
Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Vanessa N. Kent, Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.

- B. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Discussion of Subdivision Ordinance Amendment relative to Standards for Paving of Streets and Acceptance into the State System.**
(NOTE: Staff is requesting deferral of this item to a future Planning Commission meeting, pending direction of the Board of Supervisors.)
- G. **Proposed Ordinance Amendment relative to Home Occupations.**
- H. **Proposed Ordinance Amendment relative to Setbacks in Industrial Districts from Other Zoning Districts.**
- I. **Proposed Ordinance Amendment relative to Offsite Directional Signs.**
- J. **Draft Chester Plan.**

Mr. Turner noted that Mr. Gulley would not be present for the Work Session and 3:00 p. m. Afternoon Session but possibly would join the meeting for the 7:00 p. m. Evening Session.

Mr. Turner introduced Mr. Michael Tompkins who recently joined the department in the capacity of Assistant Director of Planning for Development Review and noted Mr. David Hainley, Planning Administrator for the Subdivision Section, and Ms. Vanessa Kent, Secretary for the Administration Section, would be leaving the department within the next few months.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended the agenda to reorder Items B., Review Day's Agenda and C., Review Upcoming Agendas; removed Item H., Proposed Ordinance Amendment relative to Setbacks in Industrial Districts from Other Zoning Districts, noting the topic would be scheduled for discussion at the April 19, 2005, Planning Commission Work Session; and added a new Item H., Amendment to the Subdivision Ordinance (Section 17-5) relative to Plat Approval and Exemption Provisions.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

C. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the April 19, May 17 and June 21, 2005, Planning Commission meetings.

B. REVIEW DAY'S AGENDA.

Mr. Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

During discussion relative to Case 05PR0193, PP&J Properties (Carl M. Henshaw Drainage Products), Mr. Litton stated his employer was the engineer of record for the request, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and left the meeting at approximately 12:40 p. m.

Upon conclusion of the discussion relative to Case 05PR0193, PP&J Properties (Carl M. Henshaw Drainage Products), Mr. Litton returned to the meeting at approximately 12:41 p. m.

Mr. Turner updated the Commission as to the status of Case 05HP0233, Elizabeth C. Croxton (Morrissette House) to be considered for historic landmark designation at the 7:00 p. m. Joint Planning Commission/Historic Preservation Committee public hearing.

Ms. Rogers presented an overview of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Mr. Turner advised the Commission of the Board of Supervisors' request for a schedule of anticipated completion dates relative to amendment of the Upper Swift Creek, Northern Area and Chester Plans.

E. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their April 2005 Work Program, as submitted.

F. DISCUSSION OF SUBDIVISION ORDINANCE AMENDMENT RELATIVE TO STANDARDS FOR PAVING OF STREETS AND ACCEPTANCE INTO THE STATE SYSTEM.

Upon conclusion of the discussion, the Commission requested staff bring forward at the April 19, 2005, Planning Commission Work Session for discussion draft Ordinance language to allow the developer the option of obtaining 100% of building permits prior to State acceptance if a bond for 125% of the cost were posted at time of recordation.

G. PROPOSED ORDINANCE AMENDMENT RELATIVE TO HOME OCCUPATIONS.

Upon conclusion of the discussion, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the Commission set the date of, and requested staff advertise, April 19, 2005 for a public hearing to consider an Ordinance Amendment relative to Home Occupations.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

H. PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE (SECTION 17-5) RELATIVE TO PLAT APPROVAL AND EXEMPTION PROVISIONS.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission set the date of, and requested staff advertise, April 19, 2005 for a public hearing to consider an Amendment to the Subdivision Ordinance (Section 17-5) relative to Plat Approval and Exemption Provisions.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

I. PROPOSED ORDINANCE AMENDMENT RELATIVE TO OFFSITE DIRECTIONAL SIGNS.

Upon conclusion of the discussion, it was on motion of Mr. Bass, seconded by Mr. Wilson, that the Commission set the date of, and requested staff advertise, April 19, 2005 for a public hearing to consider an Ordinance Amendment relative to Offsite Directional Signs.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

J. DRAFT CHESTER PLAN.

Ms. Carter presented a brief summary of the proposed Chester Plan Amendment.

Messrs. Wilson and Litton discussed suggested changes they wished to be considered for inclusion in the Plan.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission set the date of, and requested staff advertise, April 19, 2005 for a public hearing to consider amendment of the Chester Plan.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

K. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adjourned the Work Session at approximately 1:50 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the February 15 and February 17, 2005, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to approve the February 15, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to approve the February 17, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.

05PR0235: In Bermuda Magisterial District, **CHICK-FIL-A** requested Planning Commission approval of a site plan for an approximately 4, 550 square foot building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **CHICK-FIL-A CHESTER**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 450 feet on the north line of Route 10, also fronting approximately 245 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. Keith Simpson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved that approval of a site plan, as required by Proffered Condition 18 of zoning Case 97SN0150, for Case 05PR0235, Chick-fil-A (Chick-fil-A Chester), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITION

Plans shall be submitted for administrative review and approval which accomplish the following staff Review Comments. (P)

REVIEW COMMENTS

1. Prior to release of building permit, a surety for the full cost of signalization of the main site road/Route 10 intersection must be submitted to and approved by the Transportation Department. This surety will be held for three (3) years from the date of the issuance of a Certificate of Occupancy for the site. If a signal is warranted at the main site road/Route 10 intersection within this time then the developer is responsible for constructing this signal and any necessary improvements and right of way dedication per Proffered Condition 3 of Case 01SN0149. If the signal is not warranted within these three (3) years then the developer may request that the surety be returned. (T)
2. Required water flows for fire protection purposes based on the International Fire Code - Section B105.2 and Table B105.1, shall be shown on the submitted drawings. Refer to the International Fire Code (2000)-Section B105.2 and its exception for sprinkler protected building allowances. Refer to the International Fire Code (2000) - Section B104, B104.1, B104.2 and B104.3 for the calculation process and allowances. The new reference was adopted by the Board of Supervisors on October 8, 2003, and the International Fire Code was adopted and effective on October 1, 2003, in Commonwealth of Virginia. The correct format and calculation sheet can be obtained via the Internet at Chesterfield County- Chesterfield Fire and EMS-Division of Fire and Life Safety- [Http://www.co.chesterfield.va.us/publicsafety/fire/plans.asp](http://www.co.chesterfield.va.us/publicsafety/fire/plans.asp). (F)
3. Provide computer generated water flow test data, provided by the Chesterfield County Utilities Department, verifying the required water flow for fire protection is available at the site. The waterflow test results and graph shall be shown on the submitted plan. The minimum required fire flow for all buildings, with the exception of one (1) and two (2) family dwellings, is 1,500 gpm (sprinkler protected or non-sprinkler protected) in accordance with the International Fire Code (2000)-Section B105.2 and Table B105.1. (F)
4. Show Note #26 as an eight (8) inch by six (6) inch tapping sleeve and valve. (U)
5. At the eight (8) inch by six (6) inch tee for the sewer service add note- "Sewer line will be six (6) inches to edge of right of way". (U)
6. Show a materials list on the plan. (U)
7. The owner must enter into a County contract prior to the start of construction. Send a copy of the "accepted" bid proposal between the developer and the contractor so we may prepare the County contract. The bid proposal must be based on the approved site plan. All work must be performed by an acceptable utilities contractor. If the site plan is revised after the utility contract is prepared, a revised bid proposal may be necessary to accurately

reflect the latest approved site plan, and a new contract preparation may be necessary. (U)

8. After complete staff review, submit three (3) sets of plans directly to the Utility Department for our use. (U)
9. Coordinate points based on the Virginia State Plane Coordinate System, South Zone, North American Datum 1983 are not present. Two (2) points are shown on the plan but the values appear to be in NAD27 datum. Convert to NAD83 values. (EE)
10. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of one (1) acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
11. Per previous comment, replace the proposed curb cuts with curb drop inlets and storm sewer. (EE)
12. Specify the invert-in and invert-out elevations of all storm sewer pipes in the structure schedule on Sheet C3. (EE)
13. Address the following comments in reference to the CBPA data map on Sheet C3D:
 - A. Specify the proposed impervious area over the entire site.
 - B. Specify the impervious areas for the on-site drainage areas to the storm filter and the SWM/BMP.
 - C. Specify the impervious area for the off-site drainage areas to the BMPs.
 - D. F-pre in the worksheet a calculations on Sheet C3E must be revised to 0.45 pound per acre per year, as required by the County Chesapeake Bay Preservation Ordinance. (EE)
14. Per previous comment, a minimum twelve (12) foot wide ramp must be provided from the access gate to the bottom of the SWM/BMP facility. The slope cannot exceed 6:1. (EE)
15. Per previous comment, the required storage volumes for water quality must be shown on the profile view of the basin (shallow marsh volume and water quality volume). (EE)
16. The shallow marsh establishment plan has been forwarded to the water quality section for review. Revisions may be required. (EE)
17. A minimum of one (1) foot of freeboard is required between the top of the embankment and the staged 100-year water surface elevation. Specify the top of embankment on the SWM/BMP profile. (EE)

18. Per previous comment, the distance between the inflow and outflow points in BMP basins (water quality) shall be a minimum of three to one (3:1). Provide calculations per Section 3.14 of the Virginia Erosion and Sediment Control Handbook. (EE)
19. Per previous comment, the side slopes in SWM/BMP facilities shall be no steeper than three to one (3:1). Label in the profile view and revise the SWM/BMP grading plan accordingly. (EE)
20. All onsite drainage easements including stormwater/BMP drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
21. The stormwater/BMP facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
22. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be Autocad.DWG or DXF, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - A. Final grading contour lines (five (5) foot intervals);
 - B. Proposed building footprint;
 - C. All impervious area (parking lots, driveways, roads, etc); and
 - D. The storm sewer system.A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 DATUM. (EE)
23. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - A. Substantial or full site plan approval.
 - B. VDOT land use permit.
 - C. A letter must be received from a qualified wetlands expert stating:
 - 1.) There are no wetlands impacted on this project, or
 - 2.) All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted).
 - D. Copies of the Virginia Pollutant Discharge Elimination System (VPDES) general permit registration statement and permit fee form (as developed by the Department of Environmental Quality) must be submitted (sites of one acre or more). (EE)
24. Put a revision date on the resubmitted plans. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)

25. On the site plan sheet, label the right of way as "ultimate right of way" for both public roads. (P)
26. On the architectural drawings, revise the roof material from asphalt shingles to an simulated slate to match the police building adjacent to this site. (P)
27. On the architectural drawings, revise the metal coping from bronze to a color that matches the cornice. (P)
28. Revise the wall pack light fixture to a model that provides shielding of the light source and light directed downward. (P)
29. Revise bullet-type light fixture or orientation to provide lighting without glare. (P)
30. On the landscape plan relocate some of the trees that are tightly planted behind the existing trees to the open setback area of the west end of the site. (P)
31. Provide details of the six (6) foot decorative safety fence located around the BMP. (P&EE)
32. Provide brick up to water table at the service yard to replace the lower section of steel service yard fence. (P)

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSENT: Mr. Gulley.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05PR0193: In Bermuda Magisterial District, **PP&J PROPERTIES** requested Planning Commission approval of a site plan for three (3) buildings, for a total of approximately 3,100 square feet, with a 2.5 acre outside storage yard. This project is commonly known as **CARL M. HENSHAW DRAINAGE PRODUCTS**. This request lies in a Heavy Industrial (I-3) District on a 6.7 acre parcel fronting approximately 600 feet on the west line of Ramblewood Drive, approximately 1,100 feet north of Old Bermuda Hundred Road. Tax ID 805-651-2640 (Sheet 27).

Mr. Litton stated his employer was the engineer of record for this request, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 3:03 p. m.

Mr. Coker presented an overview of the request and staff's recommendation.

Mr. David Warriner, the applicant's representative, accepted staff's recommendation, with the exception of Review Comment 9. He asked that the requirement be removed, noting the applicant intended to capture the drainage from the development, as well as that from the land upstream, on-site, thereby reducing the amount of water downstream and mitigating the need for off-site drainage improvements. He stated the ultimate solution to the problem in the area was the provision of a culvert under the CSX Railroad and the

connection of a drainage system to the existing sewer located behind the old Safeway Distribution Center, which required cooperation from several landowners and CSX Railroad.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, Mr. McElfish stated old maps indicated the presence of a culvert under the railroad; however, the culvert could not be located and CSX Railroad would not allow an onsite inspection. He stated he did not feel it appropriate to remove Review Comment 9 as it could set a precedent for additional similar requests for relief from the requirement in the future.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved that site plan approval for Case 05PR0193, PP&J Properties (Carl M. Henshaw Drainage Products), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITION

Plans shall be revised and submitted for administrative review that address the following Review Comments. (P)

REVIEW COMMENTS

1. Structure # 2 does not have appropriate cover. Provide required cover. (VDOT)
2. Provide computations for the outfall analysis (MS-19). (VDOT)
3. Detailed work area protection layout shall be based on "Work Area Protection Manual" dated 2003. (VDOT)
4. Prior to release of building permit, forty-five (45) feet of right of way, measured from the centerline of Ramblewood Drive, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g., "VPDES permit for construction sites of one (1) acre or more, ground water and air quality") final approval of these plans will not relieve you of your responsibility. (EE)
6. Label the proposed drainage easement as a "drainage easement - private" and the access easement as an "SWM/BMP access easement" on Sheet C-14. (EE)
7. The storm sewer must be sized based upon the ultimate development of the off-site drainage area. Provide the revised storm sewer calculations. (EE)
8. The two (2), ten (10), and 100-year water surface elevations must be shown for all SWM/BMP facilities on the plan and profile views. (EE)

9. DELETED BY CPC ON MARCH 15, 2005.
10. All on-site drainage easements including stormwater/BMP drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
11. The stormwater/BMP facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
12. The riser and barrel pipe associated with the sediment basin must be on site prior to issuance of a land disturbance permit. (EE)
13. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be Autocad.DWG or DXF, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - A. Final grading contour lines (five (5) feet intervals);
 - B. Proposed building footprint;
 - C. All impervious area (parking lots, driveways, roads, etc); and
 - D. The storm sewer system. A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)
14. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - A. Substantial or full site plan approval;
 - B. A VDOT land use permit;
 - C. Copies of the Virginia Pollutant Discharge Elimination System (VPDES) general permit registration statement and permit fee form (as developed by the Department of Environmental Quality) must be submitted (sites of one (1) acre or more). (EE)
15. Put a revision date on the resubmitted plans. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)
16. Per previous Review Comment 18, place a note on the plans stating, "all typical green transformers and other utility fixtures visible off-site need to be screened on at least three (3) sides with landscaping." (P)
17. Although the buildings will have little visual impact, identify the building colors and materials on the building elevations per the Ordinance and previous Comment 20. (P)

Related to previous Comment 23, indicate on the site plan the "seventy-five (75) foot front yard setback and tree save area." This is the required setback for drives and parking. Add "building" to the label for the ninety (90) foot setback. (P)

19. Provide cutsheets for all building mounted light fixtures per previous Comment 17. Light fixtures need to have full light cut off with no direct view of the light source from a public road. (P)

20. Revise the site light detail to provide a non-adjustable arm. (P)

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

Mr. Litton returned to the meeting at approximately 3:10 p. m.

05PR0268: In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT CORPORATION** requested Planning Commission approval for architecture, as required by zoning Case 83SN0141. This project is commonly known as **MIDLOTHIAN VILLAGE SQUARE**. This request lies in a Community Business (C-3) District on an 8.2 acre parcel fronting approximately 560 feet on the south line of Midlothian Turnpike, east of Charter Colony Parkway. Tax ID 727-708-5604 (Sheet 5).

Mr. Mawby presented an overview of the request and staff's recommendation, noting updated information included in the Addendum.

Mr. Jim Theobald, the applicant's representative, disagreed with staff's recommendation; summarized similarities between the proposed development and other similar area developments; submitted letters from Ms. Joan Girone and Mr. Glen German who felt the proposed elevations were in accord with the intent, and met the requirements, of architectural style and character of Sycamore Square and Midlothian Village Shopping Centers; and introduced representatives for each of the building facilities who wished to address their concerns. When asked by the Commission, he stated he disagreed with staff's recommendation in that, after reviewing previous interpretations, he felt the architectural style was in compliance with Condition 3 of zoning Case 83S141.

Mr. Robert Bruton, regional manager for Wawa; Mr. Ed Anderson, representing the Wendy's Franchise; and Mr. Rafael Carbona, representing the Primrose School; respectively, addressed concerns relative to the review comment requirements, citing those which were acceptable or not acceptable.

Mr. John Morris, representing the property owners; stated his clients had a substantial financial investment in the proposed development and asked the Commission to consider approval of the site plan as the developer was in compliance with the Zoning Ordinance as well as the condition of zoning as it pertained to architectural style.

Mr. Litton opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, and Mr. Peppy Jones, a Midlothian resident and member of the Coalition, expressed concerns relative to the compatibility of the development's architectural style with that of Sycamore Square and Midlothian Village Shopping

Centers, noting that although the developer had somewhat addressed their concerns, they felt the request should be deferred to allow citizens an opportunity to meet with the developer to discuss the most recently submitted revisions.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Gecker stated he felt there were elements of the request that could be approved and others that needed to be deferred to allow additional discussion, some of which required minor resolution and some of which required major resolution. He stated he had been advised that he could not approve a portion of the request and defer a portion of the request – that in order to move forward, he could approve the elements that were acceptable but would have to deny, rather than defer, those elements that were not yet resolved and the applicant could reapply for consideration of those elements in the future or he could defer the request in its entirety to attempt further resolution of the concerns.

Mr. Bass stated he felt the applicant had exceeded the requirements; that the development would be an asset to the area; and that deferral of the request was unwarranted as the applicants may withdraw their application.

Mr. Gecker stated he had discussed deferral of the request with the applicant's representative and had been assured that a deferral would not result in the applicant withdrawing the application.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 05PR0268, Commercial Land Corporation (Midlothian Village Square), to the April 19, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

E. ADJOURNMENT.

At approximately 4:13 p. m., it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission adjourned the Work Session, agreeing to meet at 5:00 p. m. for dinner at John Howlett's Tavern.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

JOINT PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE PUBLIC HEARING.

Mr. Gulley joined the meeting at 7:00 p. m.

At approximately 7:00 p. m., Mr. Litton, Chairman of the Planning Commission, called the joint Planning Commission and Historic Preservation Committee public hearing to order. He explained that the Planning Commission and Historic Preservation Committee were considering one (1) request for historic landmark designation and introduced the members of the Historic Preservation Committee who were present.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures relating to the Planning Commission/Historic Preservation Committee's consideration of historic landmark designations and called the following request for consideration as an historic landmark designation:



05HP0233: In Midlothian Magisterial District, **ELIZABETH C. CROXTON** requested historic landmark designation and amendment of the zoning district map for the **MORRISSETTE HOUSE**. The request lies in residential and proposed historic areas, as suggested by the Comprehensive Plan. The Comprehensive Plan for this area does not provide a density for these areas. This request lies in a Residential (R-7) District and is known as 1400 Salisbury Drive. Tax ID 729-709-Part of 7243 (Sheet 5).



The Planning Commission and Historic Preservation Committee held a joint public hearing to consider historic landmark designation for Case 05HP0233, Elizabeth C. Croxton (Morrissette House). (Note: See separate set of minutes of joint public hearing dated March 15, 2005).

There being no further business to come before this joint session, the meeting adjourned at approximately 7:05 p.m.

During the adjournment of the joint public hearing, the Commission recessed to allow preparations to continue their regular meeting to consider zoning recommendations.

The Commission reconvened at approximately 7:15 p. m.

PLANNING COMMISSION EVENING SESSION MEETING

A. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the April 19, 2005, agenda was comprised of twelve (12) cases; the May 17, 2005, agenda was comprised of fifteen (15) cases; and the June 21, 2005, agenda was comprised of eleven (11) cases.

B. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission amended the agenda to reverse the order of the Discussion cases to allow Case 05SN0146, Robbins Landscaping, Inc. to be heard prior to Case 05SN0164, Wachovia Bank, N. A., Executor Under the Will of Hazel B. Copley.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUEST FOR WITHDRAWAL BY APPLICANT.

04SN0307: In Matoaca Magisterial District, **WILLIAM B. AND GENE DUVAL** withdrew rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25). Residential use of up to 1.75 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 15 acres lying approximately 2,500 feet off the northwest line of Second Branch Road, approximately 1,880 feet northeast of River Road. Tax ID 730-646-Part of 6067 (Sheets 31 and 32).

Ms. Kristin Keatley, the applicant's representative, confirmed withdrawal of Case 04SN0307.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 04SN0307.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

05SR0175: In Dale Magisterial District, **GEORGE CLARKE, JR. AND BARBARA CLARKE** requested deferral to June 21, 2005, of consideration for renewal of Conditional Use (Case 97AR0183) and amendment of zoning district map to permit a business (fuel oil business and dump truck service) operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies in a Residential (R-7) District on 7.0 acres fronting approximately 320 feet on the east line of Flagler Road approximately 450 feet south of Wannee Way, also fronting approximately 1,050 feet on the west line of Conifer Road approximately 450 feet south of Bellbrook Drive. Tax IDs 784-676-0576, 0749 and 2573 (Sheet 18).

Mr. Leonard Paris, the applicant's representative, requested deferral to the May 17, 2005, Planning Commission public hearing to allow the applicant an opportunity to meet with area residents, staff and the Dale District Commissioner.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to defer Case 05SR0175 to the June 21, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0181: In Bermuda Magisterial District, **JOHN W. ROBERTS** requested deferral to April 19, 2005, of consideration for rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies on 7.0 acres fronting approximately 900 feet on the northwest line of Woods Edge Road across from Walthall Industrial Parkway. Tax ID 802-637-3630 (Sheet 35).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the April 19, 2005, Planning Commission public hearing to allow the applicant an opportunity to finalize the proposal.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0181 to the April 19, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0185: In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT** requested deferral to April 19, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A)

to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 35.1 acres fronting approximately 1,100 feet on the south line of Midlothian Turnpike, also fronting in two (2) places for a total of approximately 450 feet on the west line of Otterdale Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 720-709-6011 and 721-709-2704 and 3240 (Sheet 5).

Mr. Reade Goode, Jr., the applicant's representative, requested deferral to the April 19, 2005, Planning Commission public hearing to allow the applicant an opportunity to finalize an amendment relative to setback exceptions.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0185 to the April 19, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0188: In Clover Hill Magisterial District, **ATLANTIC HOMES LLC** requested deferral to June 21, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to eight (8) units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 32.9 acres fronting approximately 2,300 feet on the east line and approximately 500 feet on the west line of Pocoshock Boulevard; also fronting in three (3) places, for a total of approximately 450 feet, on the south line of Elkhardt Road and located in the southeast and southwest quadrants of the intersection of these roads. Tax ID 762-700-4422 (Sheet 7).

Ms. Gloria Frye, the applicant's representative, requested deferral to the June 21, 2005, Planning Commission public hearing to allow the applicant an opportunity to continue working with staff and area residents.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0188 to the June 21, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0207: In Matoaca Magisterial District, **DART II LLC** requested deferral to April 19, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential

use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 302.6 acres fronting approximately 1,400 feet on the east line of Otterdale Road approximately 680 feet north of Woolridge Road, also fronting in two (2) places for approximately 2,250 feet on the north line of Woolridge Road approximately 1,400 feet east of Otterdale Road. Tax IDs 708-675-1560; 708-677-8911; 709-675-6985; 709-676-0702, 5333, 6590 and 9324; 709-677-2520, 3264 and 3406; 709-678-5743; 710-676-0704 and 1579; 710-677-3873; 710-678-Part of 7575; 711-677-9367; 711-678-4858; 711-679-6522; and 712-679-2887 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the April 19, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 04SN0207 to the April 19, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SR0171: In Matoaca Magisterial District, **TIMOTHY J. HAULER** requested renewal of Conditional Use (Case 03AN0226) and amendment of zoning district map for a bed and breakfast and a special events business operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 14.5 acres and is known as 6100 Woodpecker Road. Tax ID 781-626-8240 (Sheet 41).

Mr. Timothy Hauler, the applicant, accepted staff's recommendation but asked that Condition 3, as outlined in the Addendum, be amended to allow the special events business to be open to the public Tuesday through Saturday and until 11:00 p. m.

Mr. Litton opened the discussion for public comment.

Ms. Edie Bleattler, an area property owner, asked the Commission to defer the request to allow the applicant and area residents additional time to further review the conditions and develop a list of standards to restrict the intensity of the uses and to restrict the operation to a specific time period to allow reevaluation of the appropriateness of the use to ensure the business would not have an adverse impact on the community in the future.

In rebuttal, Mr. Hauler stated the operation had existed for three (3) years with no adverse impact to the community; there would be no Sunday operation of the business; the conditions minimized the impact the uses may have on, and ensured compatibility with, existing and anticipated area development; and there would be no activities conducted on the property to jeopardize either his family or the community.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Bass stated he had attended community meetings at which there was no citizen participation; that only recently had concerns regarding the request been expressed; and that he had requested staff prepare additional conditions which he felt, in conjunction with conditions in the "Request Analysis," would ensure concerns had been sufficiently addressed.

In response to Mr. Bass' remarks, Mr. Hauler stated the new conditions were acceptable.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SR0171, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Timothy J. and Patricia Hauler, exclusively, and shall not be transferable or run with the land. (P)
2. There shall be no additions or exterior alterations to the existing structures to accommodate this use. (P)
3. The special events business shall not be open to the public Sunday through Tuesday, except during nationally recognized holidays, during which time the use may be open to the public as early as two (2) days before and as late as two (2) days after such holiday. On days the special events business is open to the public, the hours open to the public shall be restricted to between 9:00 a.m. and 11:00 p.m. (P)
4. Special events shall be limited to the following:
 - a. Corporate retreats
 - b. Church retreats
 - c. Weddings (including rehearsal dinners and bridal luncheons)
 - d. Receptions
5. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function.
6. A minimum of one (1) security officer for each one hundred (100) persons in attendance shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0184: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan

suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 19.1 acres fronting approximately 650 feet on the east line of Baldwin Creek Road approximately 550 feet north of Beach Road. Tax IDs 707-661-9519 and 9848 (Sheet 23).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass stated the proposed development was located within the boundaries of the Upper Swift Creek Plan area and until the current Plan amendments were completed, he did not feel it appropriate to proceed with the request.

Mr. Rudy noted the proposal represented in-fill development; that the property did not drain to Swift Creek; that the applicant was in compliance with Plan and Ordinance requirements; that the proffered conditions adequately addressed issues and concerns that had been raised; and asked the Commission to consider a favorable recommendation.

Mr. Gulley stated there were transportation and/or environmental elements of the existing Plan to which he anticipated amendments and, although the subject property was a relatively small parcel, he felt a recommendation for approval of the request, and not others in the area, would set a precedent.

Mr. Bass made a motion, seconded by Mr. Gulley, to recommend denial of Case 05SN0184.

Mr. Gecker stated there did not appear to be a land use basis on which to deny the request and suggested a deferral until such time as the Upper Swift Creek Plan amendments were completed.

Mr. Bass stated the applicant had not requested a deferral; that he had the right to defer the request for only 100 days; that given the anticipated timing for completion of the draft amendment to the Upper Swift Creek Plan, even if he were to defer the request for 100 days, there was not sufficient time for the Plan Amendment to be completed and applied to this case.

Mr. Wilson stated the Commission's responsibility was to review the case based on the parameters of the existing Plan and forward a recommendation to the Board of Supervisors for a final decision.

Mr. Gecker stated he felt the request should not be forwarded to the Board with a recommendation until all the elements of the Plan were available for consideration.

Mr. Bass stated he felt his recommendation was a message to the applicant and the Board that he wanted the request deferred until the Plan Amendment was completed.

Mr. Litton stated the Board of Supervisors had indicated their intent to defer final action on residential cases filed after February 11, 2004, for a period of up to one (1) year; however, that timeframe had expired and he did not believe the Board had taken action to extend the time period.

Mr. Rudy requested the Commission consider a deferral to the October 18, 2005, public hearing.

Mr. Bass withdrew his motion for denial; Mr. Gulley withdrew his second to the motion.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0184 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0187: In Bermuda Magisterial District, **ROADRUNNER ENTERPRISES INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 1.9 acres fronting approximately fifty (50) feet on the north line of Tipton Street approximately 180 feet east of Hill Street. Tax ID 799-635-Part of 2783 (Sheet 34).

Mr. Richard Baird, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0187 and acceptance of the following proffered condition:

PROFFERED CONDITION

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by an increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B & M)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0147: In Matoaca Magisterial District, **BILL DUVAL** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning. This request lies on 232.4 acres fronting in two (2) places for a total of approximately 1,220 feet on the east line of River Road, also fronting approximately 270 feet on the north line of Hickory Road and located in the northeast quadrant of the intersection of these

roads; also fronting approximately 150 feet on the west line of Rowlett Road, approximately 1,750 feet north of Hickory Road. Tax IDs 756-626-7462, 758-628-6726; and 760-628-2105 (Sheet 40).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Betty Bryson and Mr. Jim Bryson, area property owners, expressed concerns relative to the impact the proposed development would have on the existing infrastructure, particularly transportation and schools, which was inadequate to accommodate current needs.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Bass stated he felt the proffered conditions adequately addressed the impact of the development on necessary capital facilities; indicated that a number of road improvements were planned for the area and that the recently adopted bond referendum should address some infrastructure needs; however, he would continue to address capital facilities needs for the area through other pending and future zoning requests.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0147 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
2. The maximum density of this development shall not exceed one hundred (100) lots. (P)
3. Manufactured homes shall not be permitted. (P)
4. A fifteen (15) foot tree preservation strip shall be maintained around the perimeter of the subdivision (this shall exclude the land to be dedicated to the County per Proffered Condition 6). This preservation strip shall be exclusive of setbacks. Utility easements and public roads shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements

permitted herein. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)

5. Street trees shall be installed in the shaded areas generally as shown on Exhibit A and shall be subject to the requirements of the Zoning Ordinance Section 19-518 (h). In addition, an evergreen tree shall be planted within these areas generally every fifteen (15) feet and shall be a minimum of five (5) feet in height at time of planting. (P)
6. Prior to, or in conjunction with, recordation of the first subdivision plat, a minimum of a 100 foot wide strip of land along the western property boundary immediately adjacent to Tax ID 754-625-5188 shall be dedicated free and unrestricted to the County of Chesterfield. In conjunction with this dedication, drainage easements shall be granted to accommodate development of the dedicated land. (FD&EE)
7. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)
8. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
9. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
10. The lake on the property known as GPIN 760-628-2105 shall remain and the dam shall be retrofitted as approved by the department of Environmental Engineering. (EE)
11. No direct access shall be provided from the property to Hickory Road. Direct access from the property to River Road and to Rowlett Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. At time of tentative subdivision review, the Transportation Department may modify this condition to permit one (1) private driveway from the property to River Road. (T)
12. Forty-five (45) feet of right-of-way along the north side of Hickory Road and the east side of River Road, and thirty-five (35) feet of right-of-way along the west side of Rowlett Road, measured from the centerlines of that part of the roadways immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to any tentative subdivision approval, a phasing plan for this right-of-way dedication shall be submitted to and approved by the Transportation Department. This right-of-way shall be dedicated in accordance with the approved phasing plan or within sixty (60) days from a written request by the County, whichever occurs first. (T)

13. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along River Road and Rowlett Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - B. Widening/improving the east side of River Road, the north side of Hickory Road and the west side of Rowlett Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - C. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 13. a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department (T)
14. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 13, shall be submitted to and approved by the Transportation Department. (T)
15. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:
 - a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.
 - b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

- c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.
- d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.
- e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.
- f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent, unless approved by the Architectural Control Committee in writing.
- g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds and trash, and generally free of any condition that would decrease the attractiveness of the property.
- h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.
- i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.
- j. An Architectural Control Committee (herein called "Committee") originally composed of William B. DuVal, Rene' D. McKinney and Gene DuVal is hereby established. Any two members of the Committee may act on behalf of the Committee without holding a meeting of the full Committee or giving notice to the other members. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.

- k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony, of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.
- l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.
- m. The ground floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garages shall not be included in computing said square footage.
- n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
- o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.
- p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.
- q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.
- r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any

property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee and as otherwise provided by applicable law.

- s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.
- t. Manufactured Homes shall not be permitted. (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.

ABSTENTION: Mr. Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0146: (Amended) In Bermuda Magisterial District, **ROBBINS LANDSCAPING, INC.** requested Conditional Use and amendment of zoning district map to permit a contractor's office and storage yard with retail sales in an Agricultural (A) District, plus Conditional Use Planned Development to permit exception to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 4.9 acres fronting approximately 260 feet on the south line of Kingsland Road, approximately 820 feet west of Dorsey Road. Tax ID 788-672-7956 (Sheet 18).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the requested uses did not comply with the Jefferson Davis Corridor Plan; were not compatible with existing and anticipated area residential development; and represented commercial encroachment into a residential area.

Mr. Dean Hawkins, the applicant's representative, did not accept staff's recommendation, noting the proposed use was not intrusive, would not destroy existing assets and the proffered conditions protected area residents.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he felt the proffered conditions, discussed at a community meeting, legitimately addressed area residents' concerns.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0146 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Leigh's Land, LLC, trading as Robbins Landscaping, Inc., exclusively and shall not be transferable nor run with the land. (P)
2. The uses permitted shall be limited to the following:
 - a. A landscaping contractor's office and storage.
 - b. In conjunction with the operation of a landscaping contractor's office and storage yard, retail sales of landscaping materials, to include but not necessarily be limited to, plant materials which are customarily used outdoors; mulch; fertilizer and other soil additives/treatments; and landscape pavers. Sales shall not include items such as pots, lawn ornaments and other similar goods typically sold at home retail centers. (P)
3. Uses shall not be open to the public between the hours of 9:00 PM and 6:00 AM. (P)
4. All structures shall have an architectural style compatible with surrounding area residential development. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. The exact treatment shall be approved by the Planning Department. (P)
5. The total gross square footage of buildings shall not exceed 7,000 square feet of which a maximum of 3,000 square feet being allowed the retail sales permitted by Proffered Condition 2.b. (P)
6. Any healthy trees having a caliper of four (4) inches or greater shall be maintained within fifteen (15) feet of the southern and eastern property boundary. This condition shall not preclude the removal of dead, diseased or dying trees. If dead, diseased or dying tree are removed, they shall be replaced with a similar species capable of reaching a comparable height of the species which it replaces. (P)
7. A maximum of one (1) freestanding sign, not to exceed four (4) square feet in area and five (5) feet in height, shall be permitted to identify this use. There shall be no other business signs permitted. (P)
8. Except for pedestrian scale and infrared activated security fixtures, there shall be no exterior lighting. (P)
9. All driveways and parking areas shall have a minimum surface of six (6) inches of No. 21 or No. 21A stone. (P)
10. Prior to any site plan approval, forty-five (45) feet of right-of-way on the south side of Kingsland Road, measured from the centerline of that part of Kingsland Road immediately

adjacent to the property, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. (T)

11. Direct access from the Property to Kingsland Road shall be limited to one (1) entrance/exit, generally located towards the eastern property line. The exact location of this entrance/exit shall be approved by the Transportation Department. (T)
12. Prior to the issuance of a Certificate of Occupancy for any office use which exceeds a cumulative total of 2,000 gross square feet or for any development that includes retail sales, additional pavement shall be constructed along Kingsland Road at the approved access to provide left and/or right turn lanes, based on Transportation Department standards. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0164: In Bermuda Magisterial District, **WACHOVIA BANK, N. A., EXECUTOR UNDER THE WILL OF HAZEL B. COPLEY**, requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use: corporate office and multifamily residential uses and for single family residential use of 1.01 to 2.5 units per acre. This request lies on 125.1 acres fronting approximately 2,200 feet on the north line of Iron Bridge Road approximately 400 feet west of West Hundred Road; and fronting approximately 700 feet on the south line of Iron Bridge Road approximately 700 feet west of West Hundred Road; and also fronting in two (2) places, for a total of approximately 600 feet, on the south line of Ecoff Avenue across from Ecoff Elementary School. Tax IDs 784-654-7098; 784-655-4291 and 9085 (Sheet 26).

Ms. Rogers presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the waiver to street connectivity requirements. She reference an Addendum distributed to the Commission reflecting submitted revisions to the Textual Statement and proffered conditions to address concerns outlined in the "Request Analysis," noting staff recommended approval of the request subject to connectivity to the adjacent subdivision, provisions of adequate areas for focal points and construction traffic being addressed.

Mr. John Easter, the applicant's representative, accepted staff's recommendation for approval of the rezoning but did not accept the recommendation for denial of the waiver for the street connectivity requirements. He provided background information relative to the proposal and evolution of the proffered conditions; presented a computer-generated overview of the project and layout; pointed out the proposed uses were less intense than those permitted by the current land use plan; displayed comparative information relative to vehicle trips per day and the number of school children that would be generated by the project; summarized the primary benefits of the proposal; addressed exemption of the request from the Connectivity Policy, citing the applicability/effective date of the policy versus the date the application was filed; stated the applicant intended to provide a quality development; and requested the Commission forward a favorable recommendation to the Board of Supervisors.

Mr. Litton opened the discussion for public comment.

Mr. Kam Shah, a Teterling Road resident; Ms. JoAnne Campbell, an Ecoff Avenue resident; Ms. Pat Hubbard, a resident of Chesterbrook Farms Subdivision; Mr. David Young, a Chester resident; Dr. W. R. Floyd, a Chester resident; Ms. Kathy Geary, a resident of Ivywood Road; Ms. Christy Tapp, a Chesterfield County resident/teacher; Ms. Margaret Spiller, a resident of Ecoff Avenue; Mr. Jeff Faulkner, representing his father who owned area property; Mr. Paul Johnson, a Lakewood Farms Subdivision resident; Ms. Phyllis Bass, a Chester resident/retired County teacher; Mr. Steve Morris, a resident of the Village of Chester; Ms. LouAnn Marsh, a Chester resident; Mr. Miles Wall, a Chester resident; Ms. Dorothy Faulkner a resident of Ecoff Avenue; Mr. Mark Fausz, representing the Chester Community Association; Ms. Judy Stowman, an Air Force Vietnam veteran, an ex-school teacher, and individual rights activist; and Ms. Marlene Durfee, representing the Task Force for Responsible Growth voiced opposition to the request, citing concerns relative to vehicular or pedestrian access from the subject property to Elfinwood Road; construction traffic; increased traffic volumes; congested traffic patterns; ingress/egress from Ecoff Avenue and Route 10; signalization; drainage/runoff from the development impacting adjacent properties; the appropriateness of the use; the impact the development would have on school capacities, traffic and the overall quality of life in the community; the perception that approval of the request was a foregone conclusion or "done deal;" inadequate notification of citizens; insufficient time for representatives from the affected neighborhoods to evaluate amended conditions, etc.; density; buffers/screening; the area being overburdened/overwhelmed with development; conformance to the Chester Village Plan which was designed to protect the vision of the Village; citizens' feeling as though they had no voice in their government and that their opinions/concerns were ignored and their freedom violated; incorporating citizens' wishes into the visions of County plans, the imbalance in the appropriateness of the development, the cumulative effect of the development on the Village character and quality of life; and citizens' request to defer the proposal to allow additional time to further, and more thoroughly, review the proposal or to deny the request in its entirety.

When asked, approximately seventy-five (75) individuals stood to indicate their opposition to the request.

In rebuttal, Mr. Easter addressed the previously expressed concerns, stating the proffered conditions adequately addressed and mitigated the impact of the development on capital facilities and provided that there would be no vehicular or pedestrian access from the subject property to Elfinwood Road, as desired by area residents.

In response to questions from the Commission, Ms. Owens-Bailey, Mr. McElfish and Mr. McCracken addressed issues relative to school capacity, new and/or renovated school facilities, environmental issues and transportation improvements.

Mr. Wilson, prior to addressing the concerns expressed by the speakers and specifics of the request, outlined the process by which he dealt with zoning cases; pointed out that his responsibility, as a Commissioner, was to get the case in the best possible posture prior to forwarding it to the Board of Supervisors for action; and stated the suggestion that the outcome of the request was predetermined was offensive and inappropriate. He addressed the individual elements of the request; stating he had conducted community meetings with area and adjacent property owners to discuss/resolve their concerns and, upon a thorough review of all the information, had determined that, although the proposal deviated from the Comprehensive Plan, he felt a recommendation of approval was appropriate as the proposal, with the conditions as proffered, was superior to that which could be permitted. He further addressed whether

or not the Connectivity Policy applied to this case, noting that even if it did, he felt the adjacent property owners wishes, negotiated in good faith with the applicant, should be upheld and the Policy waived.

Mr. Bass stated he was pleased so many people attended the meeting to voice their opinions and/or concerns; that he understood their concerns were the same as many of the Matoaca District residents with respect to transportation and schools; that it appeared little or no financial assistance would be forthcoming from the State to address these needs; that the County needed to decide whether or not to continue allowing development with insufficient infrastructure; and, given his concerns about this and other developments being premature or appropriate, he could not support the request.

Mr. Gulley stated that, with all due respect, he was troubled by, and did not agree with, staff's recommendation for approval of the request based on the opinion that, although the proposal may not be in compliance with the guidelines of the Comprehensive Plan, the densities of the proposed use were consistent with the Plan; explained his position with respect to gross versus actual density calculations; expressed concerns relative to the growth issues being experienced in the Upper Swift Creek Plan area; and stated he could not support the request based on the current interpretations.

Mr. Litton stated he viewed this property as infill development and intended to support the request as he felt the proffered conditions adequately addressed the development's impact on capital facilities/infrastructure needs; however, he expressed concern relative to what he perceived as mixed signals being received from the leaders in Chester with respect to support of multifamily versus residential townhouse development in the area.

Mr. Gecker agreed with Mr. Litton that the property was infill development and the ring of growth in the County did not apply in this instance; he questioned/disagreed with the School's plans to address capacity issues by increasing the capacity of an area elementary school and suggested residents address the issue with the School Board; stated he viewed this request as not a choice of whether or not this property was ever developed but rather what could be developed there under current planning versus the proposed development; that he viewed this request as a better alternative than what could be permitted as it would generate less demand on the County infrastructure; that there would be no connectivity; and that although he did not believe the proposal complied with the Comprehensive Plan, he felt it was a better alternative than that which the current Plan permitted; and he would support Mr. Wilson's motion for approval at the appropriate time.

Mr. Wilson made a motion, seconded by Mr. Gecker, to recommend approval of Case 05SN0164 and acceptance of the proffered conditions, with the exception of Proffered Conditions 10, 17, and 29 and that Conditions 1 through 5, which he read aloud for the record, be imposed:

CONDITIONS

1. Driveways. Within the residential portion of the Property, all private driveways shall be hardscaped. Within Land Bay 1, all lots shall have driveways paved with concrete, cast concrete, or brick pavers, and each driveway shall have a minimum length of 18 feet. (P)
2. Restrictive Covenants. The following provisions shall be contained in restrictive covenants that shall be recorded for the Single Family Dwelling units within Land Bay 1:

- a. No lot shall be used except for single-family purposes, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
 - b. No buildings, sheds, decks, or any other type of obstruction (e.g., dog pens, bench, table) shall be erected or placed in the 70 foot buffer area adjacent to Teterling Road and Karma Road.
 - c. No dumping of trash will be permitted in the 70 foot buffer area.
 - d. Screening around the back of the homes will provide complete visual separation of outside storage, or trash collection storage areas so as not to be seen by adjoining Teterling Road and Karma Road residents.
 - e. Only one residence shall be erected or placed on a single lot.
 - f. Except as otherwise provided by applicable law, no antenna, aerial or device of any kind used for the purpose of transmitting or receiving radio, television, microwave or satellite signals shall be placed or erected on any lot or on the exterior of any residence or any other building or structure thereon so as to be seen by Teterling Road and Karma Road residences.
 - g. No clothes line or other clothes drying apparatus shall be permitted.
 - h. No nuisance, obnoxious, or offensive activities shall be permitted to exist or operate upon any portion of any property so as to be determined to or interfere with any other property in the vicinity thereof or to its occupants.
 - i. No lot shall be used or maintained as a dumping ground for rubbish, trash, or garbage. Nor shall any of the above be kept on any lot except in sanitary containers, in the rear of the yard. The containers must be screened from the view of the adjacent Teterling Road and Karma Road residents.
 - j. Utility storage sheds or tool sheds shall have an exterior texture and color that matches the exterior texture and color of the residence on said lot and must be attached to the residence.
 - k. No chain link fences shall be permitted. (P)
3. Design Elements in Land Bay 1. Within Land Bay 1, all dwellings shall meet the following design requirements:
- a. At least one of the following design elements shall be incorporated into the design of the homes: quoin treatment, soldier courses of brick, keystones, capstones, ornamental windows, ornamental louvers, dormers, pediments shutters, columns, or variations in front facades such as bays, stoops, or gables.
 - b. Roofs shall be constructed of 25-year dimensional shingles, grand manor shingles, copper, or standing seam metal roofing; and
 - c. All dwellings shall have covered front entry porches; porch railings shall be metal, aluminum, or PVC; and porch foundations and/or floors shall be brick, stone, pavers, stamped concrete, or exposed aggregate. (P)
4. Access to Route 10. Prior to issuance of a building permit for any dwelling unit, access from such unit to Route 10 shall be provided via the North/South Collector. (T)

5. Sidewalks. Sidewalks shall be provided along both sides of all streets internal to the residential development, along the property line adjacent to Route 10, along one side of the proposed residential collector road running from Route 10 to Ecoff Avenue, and along the south side of Ecoff Avenue across Tax ID 7846554291. A pedestrian path that is open to the public shall also be provided by the Developer generally along the other side of the collector road running from Route 10 to Ecoff Avenue. The exact treatment and location of these sidewalks and the pedestrian path shall be approved by the Planning and Transportation Departments at the time of site and/or subdivision plan review. (P&T)

PROFFERED CONDITIONS

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself (the "Applicant") and for its successors or assigns (the "Developer"), proffers that the property under consideration (the "Property") will be developed by the Developer according to the following proffers after approval by the County of any required plat or permit, and if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant and developed as hereinafter provided. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement, dated February 27, 2005, and the Zoning Plat prepared by The Engineering Groupe, Inc., dated February 23, 2005 (the "Zoning Plat") shall be considered the Master Plan. The exact location and size of the tracts shown on the Zoning Plat may be modified, provided that:
 - a. Corporate Office (O-2) uses shall only be permitted on those portions of the Property located south of the east-west trending swale shown on the Zoning Plat, and shall not exceed 30 acres; and
 - b. Residential Townhouse (R-TH) and detached single family dwelling uses, as well as accompanying recreation areas and model home, shall not be permitted within 300 feet of Route 10. (P)
2. Public Water and Wastewater: Public water and wastewater systems shall be used. Prior to the approval of any site, or tentative subdivision, plan for the Property, an overall water and wastewater plan for the entire site shall be submitted for review and approved by the Utilities Department. The overall plan shall include the following water lines:
 - a. a sixteen (16) inch water line along the north side of Iron Bridge Road for the entire road frontage of the Property; and
 - b. a twelve (12) inch water line along the proposed on-site "collector road" to loop the aforementioned sixteen (16) inch water line with the existing twelve (12) inch water line along Ecoff Road.

In the event the Developer is unable to acquire any offsite easements necessary for these water lines, the Developer may request, in writing, the County to acquire such easements

as public improvements. All costs associated with any such acquisition by the County shall be borne by the Developer. In the event the County chooses not to assist in acquisition of such offsite easements, the Developer shall be relieved of the obligations imposed under this paragraph and shall provide the improvements that can be constructed within available easements. (U)

3. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Maximum Density. The maximum density of dwellings to be constructed on-site the Property shall not exceed 2.5 units per acre for that portion of the property devoted to residential development. (P)
5. Minimum Dwelling Size. The minimum gross floor area for dwelling units in Land Bay 1, as shown on the Zoning Plat, shall be 2,100 square feet; the minimum gross floor area for dwelling units in Land Bay 2 shall be 1,700 square feet; and, in Land Bay 3, at least fifty (50) percent of the units shall have a minimum gross floor area of 1,700 square feet, and the remaining units shall have a minimum gross floor area of 1,500 square feet. Any lot on which a dwelling unit having less than 1,700 square feet gross floor area may be located shall be so designated on the subdivision plat. (P)
6. Building Materials. Dwelling units shall be constructed with materials as follows:
 - a. The exposed portion of each exterior wall surface (front, rear and sides) of any building, excluding windows, doors, breezeways, other architectural design features, and rooftop screening materials for mechanical equipment, shall be brick veneer, stone veneer, vinyl siding, fiber-cement siding, EIFS, or a combination thereof.
 - b. The visible portions of exterior building foundations shall be constructed of brick or stone veneer.
 - c. At least fifty (50) percent of the front façade of each principal building and any end facing a parking area or public or private road of each principal building, excluding the foundations, shall be brick or stone veneer. (P)
7. Drainage. Stormwater facilities shall be designed so that the 10 year post-development storm is retained on the Property and released at the 2 year pre-development rate. (EE)
8. Garages. Within each Land Bay for townhouses, a maximum of fifty (50) percent of garages shall be front-loaded. Within Land Bay 1, all dwellings shall have, at minimum, a one-car garage containing a minimum of 200 square feet in area, and the visual impact of garage doors facing the street shall be minimized through the use of architectural fenestration, dimensional textures, location, and/or orientation. (P)

9. Age Restricted Units within Land Bay 1. Dwelling units in Land Bay 1 shall be age restricted and shall meet the requirements for "age 55 and older housing", as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning (hereinafter "Age-Restricted Units"), and shall be subject to the occupancy requirements that no person under 19 shall reside in each unit. (B&M)
10. Not Accepted.
11. Enhanced Crosswalks. Subject to approval by VDOT of traffic signalization of the intersection of Route 10 and the North/South Collector and of the installation of enhanced pedestrian crosswalk(s) across Route 10 at that intersection, the Developer shall be responsible for constructing such enhanced crosswalk(s) across Route 10 at that intersection at such time as the traffic signal is installed. The enhanced crosswalk(s) shall be composed of stamped concrete, stamped asphalt, or such other material as may be approved by VDOT, and the exact location and design of such crosswalk(s) shall be approved by the Transportation Department. (T)
12. Street Trees. Within the residential portion of the Property, street trees shall be planted along each side of the interior roads. If existing trees are maintained, they may be counted toward this requirement. (P)
13. Landscaping. Within the residential portion of the Property, landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at time of tentative subdivision review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement, and species of plantings. Trees may be removed from within the setback/buffer areas to facilitate grading and installation of fencing, berming, and other construction-related activities, as approved by the Planning Department. (P)
14. Buffers. A fifty (50) foot buffer shall be provided adjacent to all Agriculturally zoned (A) property and a seventy (70) foot buffer shall be provided along the western line of the Property, as shown on the Zoning Plat. Such buffers shall comply with Sections 19-520 through -522 of the Zoning Ordinance excluding Sections 19-521(h) and (i), except that, within the seventy (70) foot buffer, fencing and pedestrian walkways shall not be permitted and no trees measuring three (3) inches or greater in caliper shall be removed unless such tree(s) are dead, diseased or dying. All buffers required by this proffered condition and by Ordinance shall be recorded as open space. (P)
15. Building Setbacks. All buildings shall be a minimum of one hundred ten (110) feet from the western line of the Property adjacent to the Lakewood Farms Subdivision. (P)
16. Open Space/Recreation Area. Open space/recreation area shall be provided for each Land Bay of the residential portion of the development, to provide a "focal point" in the

vicinity of one entry to each Land Bay. The focal point for the benefit of each Land Bay shall be a minimum of 0.5 acres, and part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The total area devoted to active and passive recreation within the residential portion of the development shall be a minimum of four (4) acres and shall include a clubhouse area, with a minimum of 1.5 acres. The clubhouse building and its related amenities shall be developed concurrently with the first phase of residential development. The clubhouse building and its adjoining active recreational facilities shall be located a minimum of 500 feet from the property line adjacent to the Lakewood Farms subdivision. The exact design and location of the focal points and clubhouse area shall be approved by the Planning Department at the time of tentative subdivision review. (P)

17. Not Accepted.

18. Notification. The Developer shall be responsible for notifying by registered, certified or first class mail the property owners of record with the Department of Real Estate Assessment for Tax IDs 7836532734, 7836533256, 7836533869, 7836534383, 7836543898, 7836543986, 7836544073, 7836544242, 7836544255, 7836544430, 7836544517, 7836544605, 7836551958, 7836552574, 7836553141, 7836553524, and 7836553711 of the submittal of any Tentative Subdivision Plan or any amendment to Case 05SN0164. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The Developer shall provide the Planning Department with evidence that such notice was sent. (P)

19. Recreational Area Hours. No outdoor recreational areas shall be open for use between the hours of 11:00 PM and 8:00 AM. (P)

20. Transportation Dedications.

a. Prior to any site plan approval or in conjunction with recordation of the initial subdivision plat, whichever occurs first, one-hundred (100) feet of right-of-way on both sides of Ironbridge Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

b. Prior to any site plan approval or in conjunction with recordation of the initial subdivision plat, whichever occurs first, a seventy (70) foot wide right-of-way for a north/south collector (the "North/South Collector") from Route 10 to Ecoff Avenue, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

21. Access.

a. Vehicular and pedestrian access from the Property to Elfinwood Road shall be prohibited.

- b. Direct access to Route 10 from the part of the Property located on the north side of Route 10 shall be limited to the North/South Collector and two (2) entrances/exits. The North/South Collector shall align a new crossover on Route 10, subject to VDOT approval of such crossover. All entrances/exits shall be limited to right-turns-in and right-turns-out only. The exact location of these accesses shall be approved by the Transportation Department.
 - c. Direct access to Route 10 from the part of the Property located on the south side of Route 10 shall be limited to one (1) entrance/exit. This access shall align with a new crossover on Route 10, subject to VDOT approval of such crossover. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval for any development on the south side of Route 10, an access easement, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of this access with adjacent properties.
 - d. Direct access to Ecoff Avenue from the Property shall be limited to the North/South Collector. The exact location of this access shall be approved by the Transportation Department.
 - e. Prior to any tentative subdivision or site plan approval, whichever occurs first, an access plan for the North/South Collector shall be submitted to and approved by the Transportation Department. Access for the Property shall conform to the approved access plan. (T)
22. Public Roads. In residential tracts, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
23. Road Improvements. To provide an adequate roadway system, the Applicant/Developer shall be responsible for the following, subject to approval by VDOT:
- a. Construction of an additional lane of pavement along the westbound and eastbound lanes of Route 10 for the entire Property frontage.
 - b. Construction of additional pavement along the westbound and eastbound lanes of Route 10 at each approved access to provide separate right turn lanes, if warranted based on Transportation Department standards.
 - c. Construction of a new crossover on Route 10 to include adequate left turn lanes along both the westbound and eastbound lanes of Route 10. The design and location of these improvements shall be approved by the Transportation Department.
 - d. Construction of a two-lane road for the North/South Collector based on VDOT Urban Collector Standards (40 MPH), with modifications approved by the Transportation Department, from Route 10 to Ecoff Avenue.

- e. Construction of additional pavement along the North/South Collector at its intersection with Route 10 to provide a three-lane typical section (i.e., one (1) northbound lane and two (2) southbound lanes), and at its intersection with Ecoff Avenue to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes). The exact length of these improvements shall be approved by the Transportation Department.
 - f. Full cost of traffic signalization at the Route 10/the North/South Collector intersection, if warranted, as determined by the Transportation Department.
 - g. Construction of additional pavement along the North/South Collector at each approved access to provide left and right turn lanes, if warranted based on Transportation Department standards.
 - h. Construction of additional pavement along Ecoff Avenue at the North/South Collector intersection to provide left and right turn lanes, if warranted based on Transportation Department standards.
 - i. Relocation of the ditch along the south side of Ecoff Avenue to provide an adequate shoulder for the entire property frontage.
 - j. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the "off-site" right-of-way that is necessary for such improvements, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)
24. Transportation Phasing. Prior to any construction plan approval or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition #23, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall not require construction of the following improvements prior to development of that portion of the Property on the south side of Route 10: an additional through lane on Route 10 eastbound; a right turn lane on Route 10 eastbound, or a sidewalk on the south side of Route 10. (T)
25. Cash Proffer. The Developer, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the Property:
- a. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or

- b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - c. Provided, however, that if any building permits issued on the Property are for senior housing, the dwelling units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in each unit, the amount approved by the Board of Supervisors, but not to exceed \$5,991 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. At the time of payment, the \$5,991 will be allocated pro-rata among the facility costs as follows: \$786 for parks and recreation, \$402 for library facilities, \$4,380 for roads, and \$423 for fire stations. Payments in excess of \$5,991 shall be prorated as set forth above.
 - d. Should Chesterfield County impose impact fees at any time during the life of this development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of, or credited toward, but not in addition to, any impact fees, in a manner determined by the County
 - e. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
26. Ecoff Elementary School Safety: The Developer, subdivider, or assignee(s), prior to the issuance of the first building permit for a residential dwelling unit, shall pay \$25,000.00 to the County of Chesterfield for Chesterfield County School safety improvements at Ecoff Elementary School that may include, but not be limited to, warning signalization, signage and crosswalks along Ecoff Avenue. (B&M)
27. Construction Traffic. No traffic associated with construction of residential dwellings on the Property may use Ecoff Avenue for access to or from the Property. Once access has been established from Tract A, across the east-west trending swale shown on the Zoning Plat, to Route 10, no construction traffic of any type may use Ecoff Avenue for access to or from the Property. (P)
28. Design Criteria and Architectural Treatment for Tracts B & C. The O-2 portion of the development in Tracts B & C of the Zoning Plat shall comply with the requirements of the Chester Village design criteria found in the 'Development Requirements – Village District' as stated in the Chesterfield County Zoning Ordinance, as they pertain to external lighting, street lighting, and street tree planting. The architectural treatment for the O-2 portion of the development shall be compatible with buildings shown in the photographs attached as Exhibits A and B. Compatibility may be achieved through the use of similar building

massing, scale, colors, or other architectural features. Parking for buildings fronting on Route 10 shall be set back from Route 10 at least as far as the building served by the parking area. (P)

29. Not Accepted.

30. Limitation on Units in Townhouse Rows. No single row of attached townhouses shall contain more than five (5) dwelling units. (P)

31. Limitation on Bedrooms for Land Bays 2 and 3. Within Land Bays 2 and 3, no dwelling unit shall initially be designed or constructed to have more than three (3) bedrooms. (BI & P)

AYES: Messrs. Litton, Wilson and Gecker.

NAYS: Messrs. Gulley and Bass.

In response to a question from Mr. Litton, Mr. Easter accepted the Commission's recommendation.

In response to the Commission's request, Mr. Robinson stated he had reviewed the language of the Connectivity Policy and felt it was ambiguous, that either staff or Mr. Easter's interpretations could be considered appropriate. He, therefore, recommended that the Commission consider the Policy to be applicable and make a recommendation to the Board of Supervisors accordingly.

Mr. Gecker made a motion, seconded by Mr. Wilson, that the Commission recommend the Connectivity Policy be clarified so as not to apply to zoning cases filed prior to November 23, 2004.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Wilson made a motion, seconded by Mr. Gulley, that the Commission recommend the Connectivity Policy be waived for Case 05SN0164 due to the unique circumstances cited by the applicant and community representatives.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 11:07 p. m. to April 19, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date